UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,104	11/07/2001	Laszlo Hars	US 010172	4903

24737   7590   11/03/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY   10510

EXAMINER
ZIA, SYED

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/986,104	HARS, LASZLO
	Examiner	Art Unit	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on August 11, 2005. Original

application contained Claims 1-16. Applicant currently amended claim 4, 11-12, and added new

claims 17-20. The amendment filed have been entered and made of record, and previous

rejection under 35 U.S.C 112 has been withdrawn. Therefore, presently Claim 1-20 is pending.

Response to Arguments

Applicant's arguments filed on August 11, 2005 have been fully considered but they are

not persuasive because of the following reasons:

Regarding Claims 1, 7, 4, and 12 applicants argued that cited prior art(s) [Kalker

("System Issues in Digital Image and Video Watermarking for Copy Protection", IEEE, 1999.),

and Linnartz ("The 'ticket' concept for copy control based on embedding signalling", Philips

Research, 02/04/98)] does not appear to disclose *" segments having certain time lengths that*

may have been imported into secure domain, and time lengths prohibited from being imported

into secure domain, and also does not disclose a content length detector to detect length".

This is not found persuasive. The system of cited prior art does teach and describe a

method that disclose the use of watermarks and the CPTWG requirement of watermark detection

in 10 seconds or faster by increasing the importing difficulty and verifying copyright information

in the digital content. The *ticket concept* is provided for copy control, which allows typical

modification of the content during transmission and storage and presentation (Please refer Kalker

Pages 564-566, and Linnartz section 4.1-4.2 pages 7-10).

As a result, cited prior art does implement and teaches a system of copy protection that

relates to imposing a degree of difficulty on illicitly copying the digital content

Applicants clearly have failed to explicitly identify specific claim limitations, which

would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the

claim language in its broadest and reasonable meaning. The examiner will not interpret to read

narrowly the claim language to read exactly from the specification, but will interpret the claim

language in the broadest reasonable interpretation in view of the specification. Therefore, the

examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in

independent and subsequent dependent claims. Accordingly, rejections for Claims 1-20 are

respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on

sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7-12, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Kalker ("System Issues in Digital Image and Video Watermarking for Copy Protection", IEEE,

1999.).

2. With respect to claim 1, Kalker discloses a method of further increasing the difficulty of

importing to a secure domain digital content including watermarks which impose a

degree of difficulty on illicitly importing to the secure domain the digital content, the.

degree of difficulty associated with the watermarks being capable of being illicitly overcome by

importing to the secure domain segments of the digital content which are so short that the

watermarks cannot be reliably detected, the method comprising preventing importing to the

secure domain of sections of the digital content having a length less than . or equal to a length

associated with the length of reliable watermark detection (page 564, column 1, bullet 5; page

565, column 2, Section 3.3.2. lines 6-7, Section 3.3.3, lines 21-24).

3. With respect to claim 2, Kalker discloses a method wherein the illicit importing to the secure

domain comprises recording the segments without recording the watermarks and the method is

performed while there is illicit recording of the digital content (page 563, column 1, lines 44-52).

4. With respect to claim 3, Kalker discloses a method wherein the illicit importing to the

secure domain comprises recording the segments without playing back the watermarks

and the method is performed while there is illicit playback of the digital content (page

564, column 2, paragraph 2, lines 17-23).

5. With respect to claim 4, Kalker discloses a method wherein data associated with the digital content indicate the digital content can be copied (page 563, column 2, bullet 1), the method further comprising determining whether the digital content is not to be illicitly imported to the secure domain or can be legally importing to a domain, and overriding the preventing step in response to the determining step determining that the digital content can be legally importing (Section 3.3.2. lines 6-7, Section 3.3.3, lines 21-24).

6. With respect to claim 7, Kalker discloses an apparatus arranged to be responsive to digital content including watermarks for imposing a degree of difficulty on illicitly importing to a secure domain the content, the apparatus being arranged for increasing the difficulty of illicitly importing to the secure domain the digital content, the difficulty associated with the watermarks being capable of being overcome by importing to the secure domain segments of the digital content which are so short that the watermarks cannot be reliably detected, the apparatus comprising a detector for segments of the digital content having a length equal to or less than a preset length (page 564, column 1, bullet 5), the preset length being so short that the watermarks cannot be reliably detected, and signal processor responsive to the detector (page 566, column 1, lines 3-14) and the digital content for preventing importing to the secure domain at least some of the digital content segment being detected as having a length less than or equal to the preset length (page 565, column 2, Section 3.3.2. lines 6-7, Section 3.3.3, lines 21-24).

7. With respect to claim 8, Kalker discloses an apparatus wherein the signal processor is

arranged for preventing copying of the digital content segments detected as having a length

less than the preset length (page 563, column 1, lines 44-52).

8. With respect to claim 9, Kalker discloses an apparatus wherein the signal processor

is arranged for preventing readout of all the digital media content accompanying a

segment detected as having a length less than the preset length (page 564, column 2,

paragraph 2, lines 17-23).

9. With respect to claim 10, Kalker discloses an apparatus wherein the apparatus comprises a

recorder for the digital content (Section 3.3.1, lines 8-10).

10. With respect to claim 11, Kalker discloses an apparatus wherein the apparatus comprises a

playback unit for the digital content (Section 3.3.1, lines 8-10).

11. With respect to claim 12, Kalker discloses an apparatus wherein data associated with the

digital content indicate the digital content can be legally imported to a domain (page 563, column

2, bullet 1), the detector being arranged for determining whether the digital content is not to be

illicitly imported to the secure domain or can be legally imported to a domain (Section 3.3.2.

lines 6-7), the signal processor being arranged to enable importing to a domain all the digital

content in response to the detector determining that the digital content can be imported (Section

3.3.3, lines 21-24).

12. With respect to claim 15, Kalker discloses an apparatus in combination with a

recorder of digital content (Section 3.3.1, lines 8-10), the signal processor being arranged

for supplying the digital content to the recorder unless the detector detects that the digital

content has been illicitly importing to a secure domain (Section 3.3.3, lines 21-24).

13. With respect to claim 16, Kalker discloses an apparatus in combination with a

playback unit of digital content (Section 3.3.1, lines 8-10), the signal processor being

arranged for supplying the digital content to the playback unit unless the detector detects

that the digital content is illicitly copied (Section 3.3.3, lines 21-24).

14. With respect to claim 17 Kalker discloses, a method comprising: receiving a segment of

digital media content at a secure domain; determining whether the length of the segment is

sufficient to enable detection of a watermark if present in the segment; and controlling

importation of the segment into the secure domain in response to the segment length

determination (page 564, column 1, bullet 5; page 565, column 2, Section 3.3.2. lines 6-7,

Section 3.3.3, lines 21-24, page 566 column 1 lines 3-14).

15. With respect to claim 18 Kalker discloses wherein, controlling importation of the segment

into the secure domain includes preventing importation of the segment into the secure domain if

the length of the segment is not sufficient to enable detection of a watermark if present in the

segment (page 563, column 1 lines 44-52).

16. With respect to claim 19 Kalker discloses wherein, controlling importation of the segment into the secure domain includes detecting any watermark in the segment if the length of the segment is sufficient to enable detection of a watermark if present in the segment (page 564, column 2, paragraph 2,lines 17-23).

17. With respect to claim 20 Kalker discloses wherein, controlling importation of the segment into the secure domain includes complying with a content usage policy associated with any watermark detected in the segment (Section 3.3.1, lines 8-10).

19. Claims 1-14, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Linnartz ("The `ticket' concept for copy control based on embedding signalling", Philips Research, 02/04/98).

20. With respect to claim 1, Linnartz discloses a method of further increasing the difficulty of importing to a secure domain digital content including watermarks which impose a degree of difficulty on illicitly importing to the secure domain the digital content, the degree of difficulty associated with the watermarks being capable of being illicitly overcome by importing to the secure domain segments of the digital content which are so short that the watermarks cannot be reliably detected, the method comprising preventing importing to the secure domain of sections of the digital content having a length less than or equal to a length associated with the length of reliable watermark detection (page 4, bullet 4; page 9, bullet 1).

21. With respect to claim 2, Linnartz discloses a method wherein the illicit importing to

the secure domain comprises recording the segments without recording the watermarks

and the method is performed while there is illicit recording of the digital content (page 3,

lines 3-17).

22. With respect to claim 3, Linnartz discloses a method wherein the illicit importing to

the secure domain comprises recording the segments without playing back the

watermarks and the method is performed while there is illicit playback of the digital

content (page 3, lines 3-17). .

23. With respect to claim 4, Linnartz discloses a method wherein some of the watermarks or a

header associated with the digital content indicate the digital content can be copied (page 4, lines

9-17), the method further comprising determining whether the digital content is not to be illicitly

imported to the secure domain or can be legally importing to a domain, and overriding the

preventing step in response to the determining

step determining that the digital content can be legally importing (page 4, lines 9-17).

24. With respect to claim 7, Linnartz discloses an apparatus arranged to be responsive to digital

content including watermarks for imposing a degree of difficulty on illicitly importing to a

secure domain the content, the apparatus being arranged for increasing the difficulty of illicitly

importing to the secure domain the digital content, the difficulty associated with the watermarks

being capable of being overcome by importing to the secure domain segments of the digital

content which are so short that the watermarks cannot be reliably detected, the apparatus

comprising a detector for segments of the digital content having a length equal to or less than a

preset length (page 4, 29-30), the preset length being so short that the watermarks cannot be

reliably detected, and signal processor responsive to the detector (page 7, bullet 3; page 9, lines

5-8, line 16) and the digital content for preventing importing to the secure domain at least some

of the digital content segment being detected as having a length less than or equal to the preset

length (page 4, bullet 4; page 9, bullet 1).

25. With respect to claim 8, Linnartz discloses an apparatus wherein the signal processor is

arranged for preventing copying of the digital content segments detected as having a length less

than the preset length (page 4, bullet 4; page 9, bullet 1).

26. With respect to claim 9, Linnartz discloses an apparatus wherein the signal processor

is arranged for preventing readout of all the digital media content accompanying a

segment detected as having a length less than the preset length (page 3, lines 19-24).

27. With respect to claim 10, Linnartz discloses an apparatus wherein the readout

apparatus comprises a recorder for the digital content (page 4, line 34).

28. With respect to claim 11, Linnartz discloses an apparatus wherein the readout

apparatus comprises a playback unit for the digital content (page 4, line 34).

29. With respect to claim 12, Linnartz discloses an apparatus wherein some of the

watermarks or a header of a track or song of the digital media content indicate the digital

content can be legally imported to a domain (page 4, lines 9-17), the detector being

arranged for determining whether the digital content is not to be illicitly imported to the

secure domain or can be legally imported to a domain (page 4, lines 9-17), the signal

processor being arranged to enable importing to a domain all the digital content in

response to the detector determining that the digital content can be imported (page 4,

lines 9-17).

30. With respect to claim 5, 6, 13, and 14 Linnartz discloses a method further including

detecting the presence of a distorted watermark, and performing the preventing step in

response to the distorted watermark being detected (page 6, paragraph 1).

31. With respect to claim 17 Linnartz discloses, a method comprising: receiving a segment of

digital media content at a secure domain; determining whether the length of the segment is

sufficient to enable detection of a watermark if present in the segment; and controlling

importation of the segment into the secure domain in response to the segment length

determination (page 4, 9-30, page 7, bullet 3; page 9,lines 5-8,line 16, and page 4, bullet 4, and

page 9,bullet 1).

32. With respect to claim 18 Linnartz discloses wherein, controlling importation of the segment into the secure domain includes preventing importation of the segment into the secure domain if the length of the segment is not sufficient to enable detection of a watermark if present in the segment (page 4, bullet 4, and page 9,bullet 1).

33. With respect to claim 19 Linnartz discloses wherein, controlling importation of the segment into the secure domain includes detecting any watermark in the segment if the length of the segment is sufficient to enable detection of a watermark if present in the segment (page 4 lines 9-17).

34. With respect to claim 20 Linnartz discloses wherein, controlling importation of the segment into the secure domain includes complying with a content usage policy associated with any watermark detected in the segment (page 6, paragraph 1).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
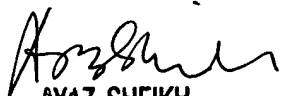
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The

examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sz
October 25, 2005

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100